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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/824,559 | 04/14/2004 | Karsten Kohler | TD 149 | 6248 |
| 27956 | 7590 | 01/25/2006 | EXAMINER | |
| KLAUS J. BACH 4407 TWIN OAKS DRIVE MURRYSVILLE, PA 15668 | | | SILBERMANN, JOANNE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3611 | |

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/824,559 | Applicant(s) KOHLER ET AL. | |
| | Examiner Joanne Silbermann | Art Unit 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings were received on 24 October 2005. These drawings are acceptable.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the highly reflective side limit areas (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 6 "said power supply" does not have antecedent basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Skene.

8. Ku teaches a light card including a base (Figure 4), at least one light emitting element 2, 5, cover layer 6, power supply 4, and operating element 3. Light emitting element 4 is fixed to the base. The area interior of where the light emitting element is located is considered to be a recess and the power supply etc. are located outside this recess (Figure 4).

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9. Ku does not teach the cover layer as consisting of a light permeable foil imprinted with a light-impermeable coloring agent. This however is well known in the art of displays as shown by Skene. Skene teaches transparent, colored foil 15 (Figure 3) having opaque coloring agent 14 applied thereto. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include such foil in the card of Ku so as to provide an attractive display on the cover of the card, as is taught by Skene.

10. Regarding claim 7, Ku (and Skene) do not specifically teach cementing as a method of affixing the light emitting elements to the base, however, this is a well known means of attaching elements together (for example, model airplanes). It would have been obvious to a person having ordinary skill in the art to utilize cement to attach the elements together since cement is old and well known. Also, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation should not be accorded patentable weight.

11. Regarding claim 9, as best as the claim can be understood at this time, the edges of the foil are considered to provide highly reflective areas around the light emitting elements.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku and Skene as applied to claim 1 above, and further in view of Levinson.

13. Ku and Skene, as discussed above, do not teach using an ultraviolet light emitting diode. Levinson teaches an illuminated display including light source 110 that may be ultraviolet (column 2 lines 33-36). It would have been obvious to one of

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ordinary skill to utilize such a light source in the display of Ku (as modified by Skene) to provide a decorative, illuminated apparatus that is more interesting than one using ordinary lighting.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku and Skene as applied to claim 1 above, and further in view of Swartz.

15. Ku and Skene (as discussed above) do not teach a cover layer having foil that has been roughened on the side facing away from the base. Swartz teaches a decorative article including roughened areas (such as 22) to provide texture to the article on the side away from the base. It would have been obvious to one having ordinary skill in the art to roughen the foil of Ku/Skene so as to provide a more realistic display, as is taught by Swartz.

16. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku and Skene as applied to claim 1 above, and further in view of Sherrard.

17. Ku and Skene, as discussed above, do not teach a connection provided for an external power supply. Sherrard teaches an illuminated display including a connection to an external power source (Figure 1, column 2 lines 8-13). It would have been obvious to provide such a connection on the device of Ku/Skene so that the light emitting element will always be lit and not require batteries etc. that need to be changed.

Response to Arguments

18. Applicant's arguments filed October 24, 2005 have been fully considered but they are not persuasive.

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19. Regarding claim 1 with reference to Skene, Applicant's arguments appear to be narrower than the instant claim language. Applicant argues that the light enters from the viewer's side in the Skene reference. However, the combination of Skene and Ku teaches all the elements of claim 1. The claims only require the light emitting element to be disposed on the base. Applicant also argues that Skene is not "imprinted" to form the colors, however the particular method by which the colors are applied to the display is not given patentable weight.

20. The dependent claims are discussed in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

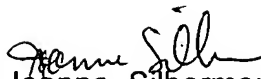
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Joanne Silbermann
Primary Examiner
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20 January 2006